

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Philadelphia Rd., 280 ft.
W of c/l Pine Grove Avenue * ZONING COMMISSIONER

15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
David S. Seling, et al * Case No. 95-249-A
Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the south side of Philadelphia Road, (Md. Route 7) 280 ft.(+/-) west of Pine Grove Avenue, to be known as 8111, 8113 and 8115 Philadelphia Road. The Petition is filed by David S. Seling and Richard J. Seling, property owners. Variance relief is requested from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a 10 ft. tract boundary setback in lieu of the required 15 ft. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the Petitioner/co-property owner, David S. Seling. Also present was Paul Lee, the engineer who prepared the site plan. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject site is approximately 1.63 acres in gross area and is split zoned D.R.16 and D.R.10.5. This unimproved site is located on Philadelphia Road in the Rosedale section of Baltimore County. The site has zoning density so as to allow 21 residential lots. Although the Petitioners propose residential development, the development will be far less intense. Specifically, what is proposed is a 3 lot subdivision as shown on the site plan. Essentially, the 210 ft. frontage of the property on Philadelphia Road will be divided

MICROFILMED

ORDER RECEIVED FOR FILING
Date 2/28/95
By M. G. Gorch

into thirds, so as to create three lots, each 70 ft. wide. The depth of the lots ranges from 297 ft. for lot No. 1 to 390 ft. for lot 3. This irregular depth is due to the uneven frontage of the properties on Philadelphia Road, and the irregular configuration of the rear property line.

Mr. Lee, the project engineer, indicated that the matter is presently undergoing review through the development review process. In that there are only 3 lots proposed, the development is considered a minor subdivision and is exempt from the Hearing Officer's hearing, Community Input meeting and certain other requirements of the development process. However, a copy of the development plan was submitted which shows the proposed development. Three single family dwellings are proposed, as shown on that plan. Moreover, a significant portion of the property, approximately 60%, will remain undisturbed.

Mr. Lee testified that the variances are necessary so as to accommodate the proposed dwellings on lots 1 and 3. In that lot No. 2 is located between lots 1 and 3, it is not adjacent to the side tract boundary and a variance is not necessary for that lot. Mr. Lee explained that a grant of the variance would allow a reasonable flexibility in the design of the building envelope, consistent with houses in the area. Mr. Lee also observed that other setbacks were being followed. Specifically, the property owner will be dedicating 40 ft. of frontage to the State for potential widening of Philadelphia Road. A proper front yard setback from the dedicated property will be maintained. The rear yard setbacks and other setbacks between houses are also being observed.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, I am persuaded that the Petition for Variance should be granted. It is clear that a grant of the variance will be consistent with the spirit and intent of the regulations and will not cause

ORDER RECEIVED FOR FILING
Date 2/28/95
By M. G. G. G.

any adverse effect to the surrounding locale. Moreover, the testimony and evidence offered was persuasive that a denial of the variance would cause the Petitioner practical difficulty. The severe slope of the property presents a unique characteristic which justifies a grant of the variances. Moreover, this development appears entirely appropriate and certainly more preferable than the adjacent development on the property immediately to the west. That neighboring lot is developed by the placement of three houses in a line leading from Philadelphia Road. The two rear lots on that tract are served by a panhandle driveway. The preservation of the large rear yard area on the subject property and the placement of the houses on the 3 proposed lots, in my view, constitutes a far better plan and will be an asset to the neighborhood.

A comment is also appropriate as to the Zoning Plans Advisory Committee (ZAC) comments which have been received. Most of the comments are neutral, however, several recommendations were offered by the Office of Planning and Zoning (OPZ). It is to be noted that OPZ is also reviewing this project in connection with the minor subdivision plan.

The first recommendation offered by OPZ is that the building location on lot No. 3 should be moved closer to Philadelphia Road. Mr. Lee explained that the reviewing technician had misread the plan while preparing that comment, erroneously believing the block containing the house number represented the location of the proposed dwelling. As shown on the minor subdivision plan (Petitioners' Exhibit No. 2), the houses are located a uniform distance from Philadelphia Road and their placement is appropriate. The front yard setbacks are indeed consistent.

The second comment recommends that lots 2 and 3 share a driveway. Although there are valid reasons for such a recommendation, I believe that State Highway Administration should make the ultimate decision in this

regard. Mr. Lee testified that he had been in contact with State Highway Administration and that they had reviewed and approved separate access points. I will not set aside their judgment in this instance, absent their advice to do the same.

The final comment from OPZ suggests landscaping along the eastern boundary of the property. This suggestion seems somewhat unfair to this Developer, who must buffer lot No. 3 for the unattractive in line development next door which is described above. Far more appropriate, in my opinion, would be to require the Petitioner in this case to landscape that area immediately adjacent to the proposed house on lot No. 3. It is to be noted that a large area of lot No. 3 towards the rear will be left undisturbed and will serve as a natural buffer. Thus, I will require the Petitioner to only landscape the area adjacent to the proposed dwelling on lot No. 3.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of February 1995, that a variance from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a 10 ft. tract boundary setback in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

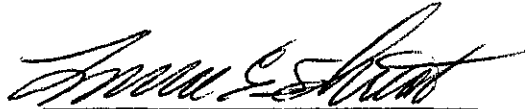
ORDER RECEIVED FOR FILING

Date

By

2. The Petitioners shall submit a landscape plan providing for buffering and screening of the proposed house on lot No. 3. Required landscaping shall not include additional plantings on the rear portion of lot No. 3, shown as the green shaded area on Petitioners' Exhibit No. 2.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

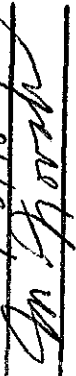
LES/mmn

ORDER RECEIVED FOR FILING

Date

2/28/95

By



MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 24, 1995

Mr. Paul Lee
304 W. Pennsylvania Avenue
Towson, Maryland 21204

Mr. David S. Seling
Mr. Richard J. Seling
8113 Pinecrest Avenue
Baltimore, Maryland 21237

RE: Case No. 95-249-A
Petition for Variance
Location: S/S Philadelphia Rd., 280 ft. +/-
W of Pine Grove Avenue

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

MICROFILMED





Petition for Variance

75-249-A
to the Zoning Commissioner of Baltimore County

for the property located at

S/S Philadelphia Road 280'+
W of Pine Grove Avenue

which is presently zoned DR-16 & DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2C.1.b of the BCZR to

permit a 10' tract boundary setback in lieu of the required 15' (variance of 5')

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is 1.63 acres ± and is proposed as a 3 lot Minor Subdivision, but due to the existing zoning and the potential density for 6 or more lots, large lot requirements are to be used.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

~~XXXXXXXXXXXX~~ Engineer

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Avenue

Address

Towson, MD 21204

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

David S. Seling

(Type or Print Name)

Signature

Richard J. Seling

(Type or Print Name)

Signature

8113 Pinecrest Avenue

Address

866-4628

Phone No

Baltimore

MD

21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Paul Lee

Name

304 W. Pennsylvania Ave.

Address

821-5941

Phone No

Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1/2 hr.

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MLK

DATE

1-18-95



Printed with Soybean Ink
on Recycled Paper

Zoning Administration

RECORDED

Paul Lee, P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

95-249-A

DESCRIPTION

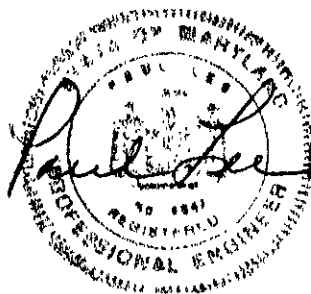
SELING PROPERTY

S.S. PHILADELPHIA ROAD AT DORIS AVENUE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in or near the center of Philadelphia Road, said point also being located Southwesterly - 280 feet[±] from the center of Pine Grove Avenue; thence leaving said center of Philadelphia Road, (1) S 30°55'59" E - 390.49 feet, thence (2) S 74°16'29" W - 206.92 feet and (3) N 32°21'53" W - 297.48 feet to a point in or near the center of Philadelphia Road, thence running in the center of Philadelphia Road (4) N 48°27'16" E - 210.75 feet to the point of beginning.

Containing 1.63 Acres of land more or less.



247

1/10/95
J.O. 89-037S

Engineers — Surveyors — Site Planners

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-249-1A

District 1528 Date of Posting 2/6/95

Posted for: Varen's

Petitioner: David Soling & Richard Soling

Location of property: 3/5 Ph. Y. Rd., 280' W. Pine Grove Ave.

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. J. Stealy Date of return: 2/6/95
Signature

Number of Signs: 1

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CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-249-A
(Item 247)

S/S Philadelphia Road,
280 W of c/ Pine Grove
Avenue

15th Election District

7th Councilmanic

Legal Owner(s):

David S. Selling and

Richard J. Selling

Hearing: Tuesday,

February 21, 1995 at

11:00 a.m. in Rm. 118, Old

Courthouse.

Variance to permit a 10-foot
tract boundary setback in lieu of
the required 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
2/039 February 2.

TOWSON, MD.,

Feb 3, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 2, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Publication~~

RECORDED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-249-A

Account: R-001-6150

Number

Item # 247

Taken In - msk
By ..

Date 1-18-95

Seling, David — S/S of Phila. Rd, 280'
W of Pine Grove Ave

010- Zoning Variance — \$ 50.00

080- 1 sign — \$ 35.00

Total — \$ 85.00

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03A03#0229MICRC

\$85.00

BA COLL#01AMOL-10-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 247

Petitioner: David + Richard Selig

Location: South side of Philadelphia Rd
280 feet west of Pine Grove Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David Selig

ADDRESS: 8113 Pinecrest Avenue

Balto. MD. 21237

PHONE NUMBER: ~~866~~ 866-4628

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please forward billing to:

David Seling
8113 Pinecrest Avenue
Baltimore, Maryland 21237
410-866-4628

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-249-A (Item 247)
S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): David S. Seling and Richard J. Seling
HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

2/20/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 26, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-249-A (Item 247)

S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
15th Election District - 7th Councilmanic

Legal Owner(s): David S. Seling and Richard J. Seling

HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: David and Richar Seling, 8113 Pinecrest Avenue, Baltimore MD 21237
Paul Lee, Inc., 304 W. Pennsylvania Avenue, Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 14, 1995

Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 247
Case No.: 95-249-A
Petitioner: Mr. D. Seling, et ux

Dear Mr. Lee:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 6, 1995
 Zoning Administration and Development Management

FROM: *Rob* Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for February 6, 1996
 Items 237, 244, 247, 248, 249 and 251

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN.30, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 237, 244, 247, 248, 249,
~~250~~ AND 251.

RECEIVED

FEB 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 2/8/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Jan. 30, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *Rev. #215.*

244 withdrawn

245

247

249

251

LS:sp

LETTY2/DEPRM/TXTSBP

RECEIVED

RE: PETITION FOR VARIANCE
S/S Philadelphia Road, 280' W of c/l Pine
rove Avenue, 15th Election District,
7th Councilmanic

David S. Seling and Richard J. Seling
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-249-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 14th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: February 7, 1995

SUBJECT: Seling Property

INFORMATION:

Item Number: 247
Petitioner: David S. Seling & Richard J. Seling
Property Size: 1.63 acres
Zoning: DR-16 & DR-10
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, the staff recommends that the applicant's request be granted subject to the following conditions:

- 1) The building location for lot three should be moved closer to Philadelphia Road to match the setback of the buildings on lots one and two since this provides a uniform setback with existing dwellings;
- 2) Lots two and three should share a driveway to reduce curb cuts along Philadelphia Road; and
- 3) Lot three should be heavily landscaped on the east side to minimize the impact of the panhandle driveway on the adjoining parcel.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

PK/JL:lw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

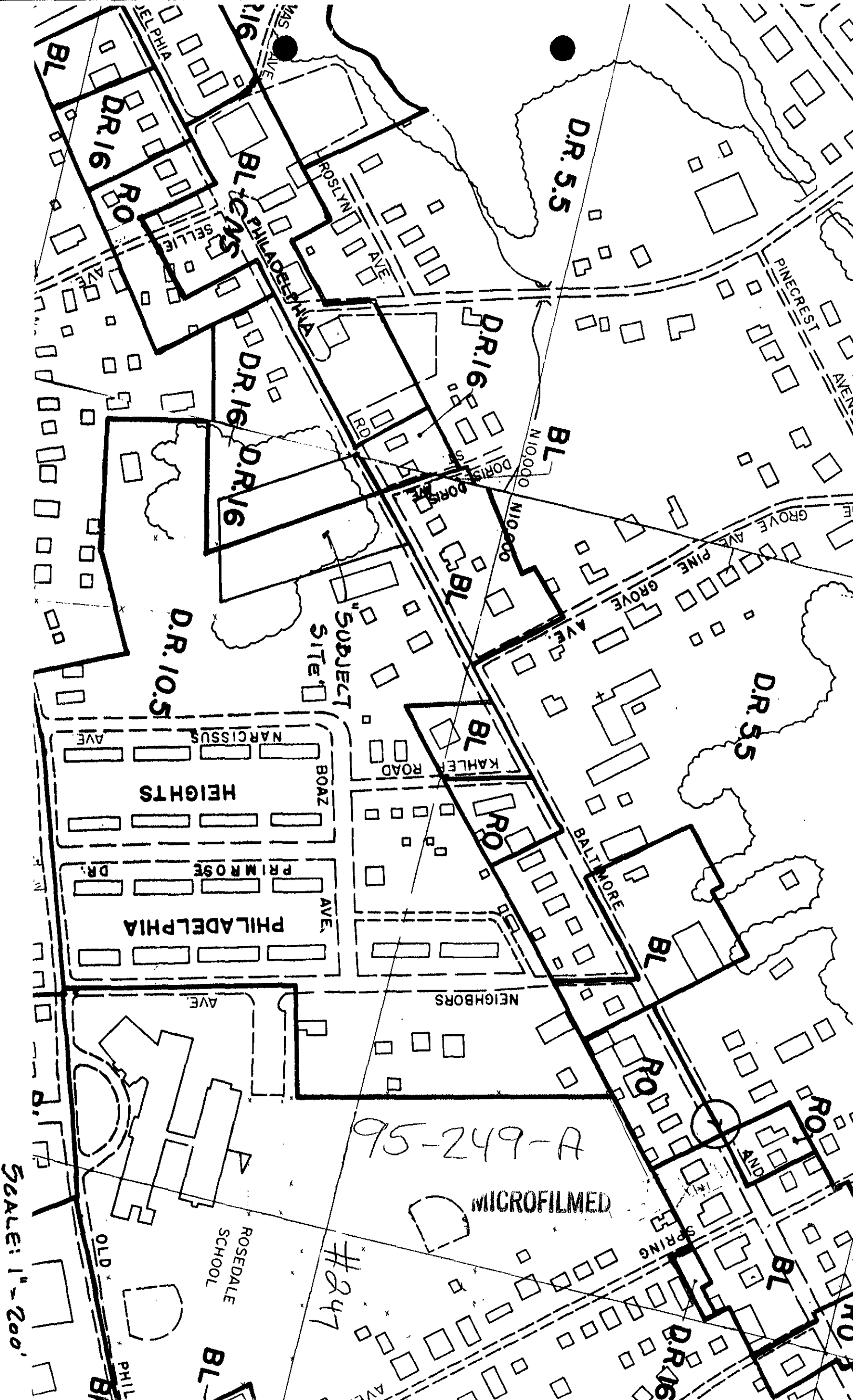
NAME

ADDRESS

Paul Lee
David B. Selig (Selling)

304 W. Pennsylvania Ave 2/204

AMERICAN ARMY



"SUBJECT
SITE"

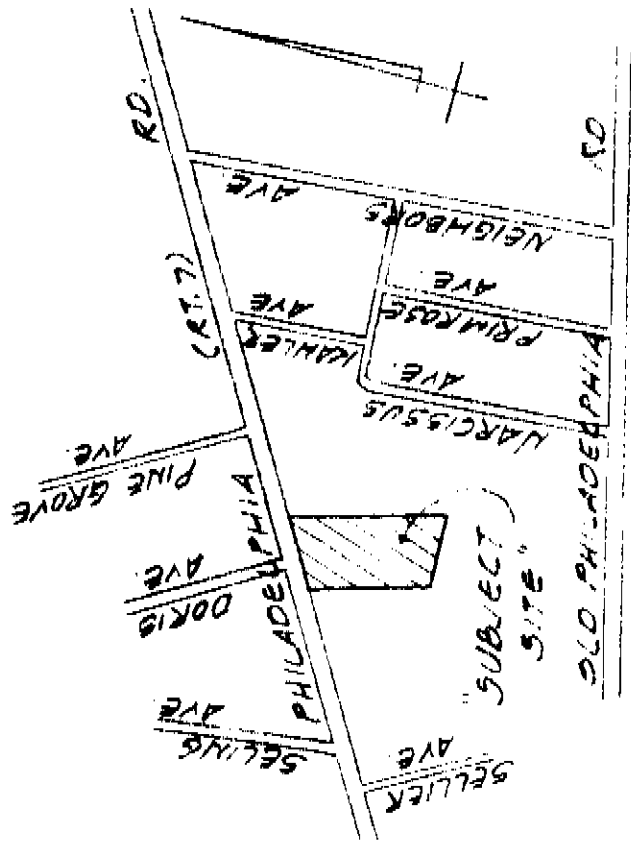
95-249-A

MICROFILMED

#247

Scale: 1" = 200'

PETITIONER'S EXHIBIT No. 1



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY = 1.63 AC. (NET = 1.43 AC.)
2. EXISTING ZONING OF PROPERTY = "DR-16" & "DR-10.5" (NE 3E4F)
3. EXISTING USE OF PROPERTY = "VACANT"
4. PROPOSED ZONING OF PROPERTY = "DR-16" & "DR-10.5"
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL - DETACHED LOTS"
6. DENSITY CALCULATION: PERMITTED NO. OF LOTS = 21
 $DR-16 \times 0.8146 + DR-10.5 \times 0.8246 = 12.56 + 8.61 = 21.57$
7. NO. OF LOTS PROPOSED = 3
8. PETITIONER REQUESTING A VARIANCE TO SECTION 1901.2.C.1.6 OF THE DCOR TO PERMIT A 10' TRACT BOUNDARY SETBACK IN LIEU OF THE REQUIRED 15' (4 FEET OF E.U. PROPERTY SERVED BY PUBLIC UTILITIES)

95-249-A

PLAT TO ACCOMPANY PETITION FOR

VARIANCE
SEELING PROPERTY

(S.S. PHILADELPHIA RD. AT DORIS AVE.)

ELECT. DIST. 1507 BALTIMORE COUNTY, MD.

SCALE: 1"=50'

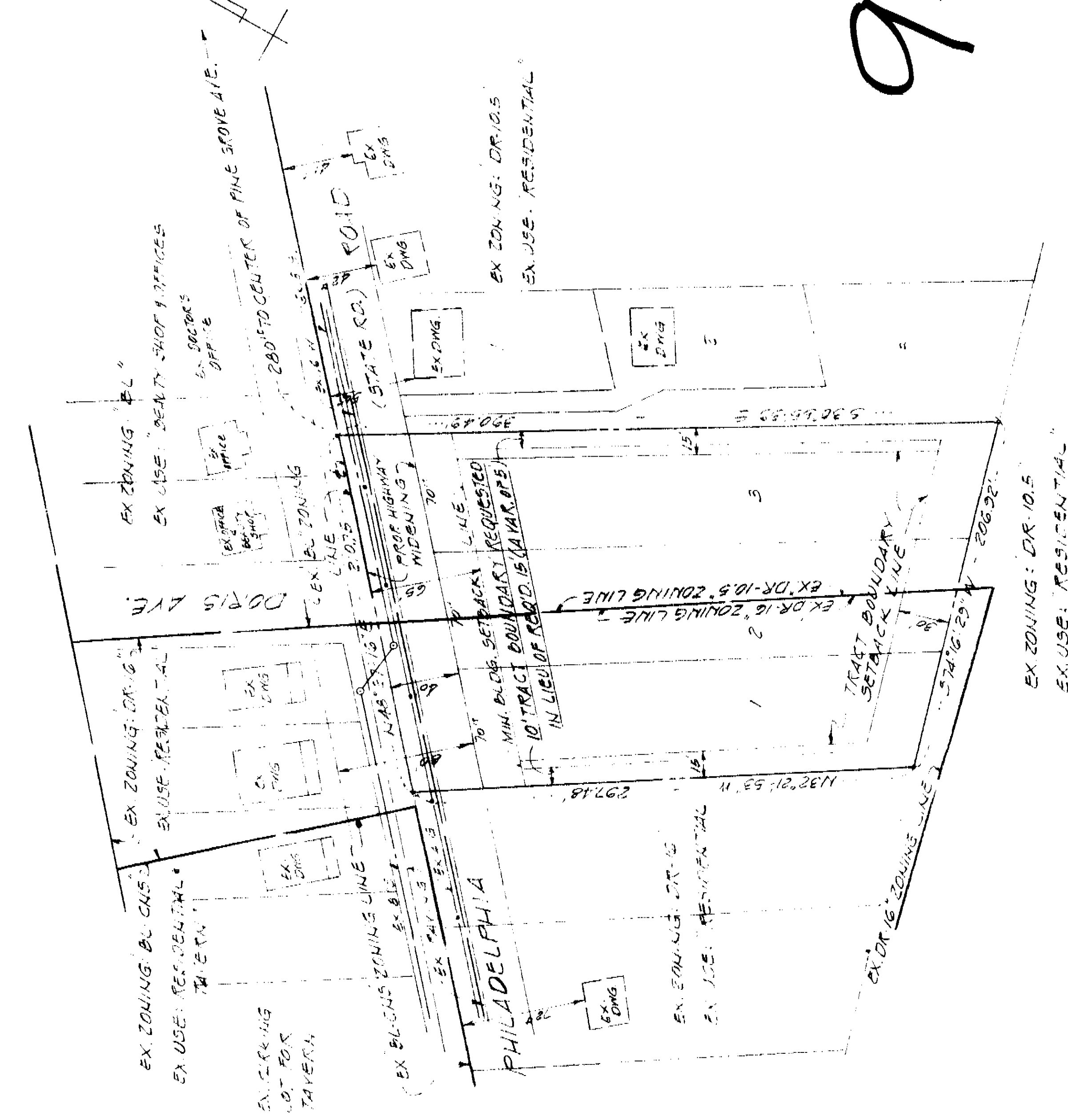
JAN. 4, 1994

PAUL LEE

#247

Paul Lee

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



AVERAGE EXISTING BUILDING SETBACK
 W/LY 72' (10MG) 133' (30MG)
 E/LY 205' / 4 = 51' FROM E. ROAD

EX ZONING: DR-10.5
EX USE: RESIDENTIAL

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Philadelphia Rd., 280 ft. * ZONING COMMISSIONER
W of c/l Pine Grove Avenue *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
David S. Seling, et al * Case No. 95-249-A
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the south side of Philadelphia Road, (Md. Route 7) 280 ft. (+/-) west of Pine Grove Avenue, to be known as 8111, 8113 and 8115 Philadelphia Road. The Petition is filed by David S. Seling and Richard J. Seling, property owners. Variance relief is requested from Section 1801.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a 10 ft. tract boundary setback in lieu of the required 15 ft. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the Petitioner/co-property owner, David S. Seling. Also present was Paul Lee, the engineer who prepared the site plan. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject site is approximately 1.63 acres in gross area and is split zoned D.R.16 and D.R.10.5. This unimproved site is located on Philadelphia Road in the Rosedale section of Baltimore County. The site has zoning density so as to allow 21 residential lots. Although the Petitioners propose residential development, the development will be far less intense. Specifically, what is proposed is a 3 lot subdivision as shown on the site plan. Essentially, the 210 ft. frontage of the property on Philadelphia Road will be divided

into thirds, so as to create three lots, each 70 ft. wide. The depth of the lots ranges from 297 ft. for lot No. 1 to 390 ft. for lot 3. This irregular depth is due to the uneven frontage of the properties on Philadelphia Road, and the irregular configuration of the rear property line.

Mr. Lee, the project engineer, indicated that the matter is presently undergoing review through the development review process. In that there are only 3 lots proposed, the development is considered a minor subdivision and is exempt from the Hearing Officer's hearing, Community Input meeting and certain other requirements of the development process. However, a copy of the development plan was submitted which shows the proposed development. Three single family dwellings are proposed, as shown on that plan. Moreover, a significant portion of the property, approximately 60%, will remain undisturbed.

Mr. Lee testified that the variances are necessary so as to accommodate the proposed dwellings on lots 1 and 3. In that lot No. 2 is located between lots 1 and 3, it is not adjacent to the side tract boundary and a variance is not necessary for that lot. Mr. Lee explained that a grant of the variance would allow a reasonable flexibility in the design of the building envelope, consistent with houses in the area. Mr. Lee also observed that other setbacks were being followed. Specifically, the property owner will be dedicating 40 ft. of frontage to the State for potential widening of Philadelphia Road. A proper front yard setback from the dedicated property will be maintained. The rear yard setbacks and other setbacks between houses are also being observed.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, I am persuaded that the Petition for Variance should be granted. It is clear that a grant of the variance will be consistent with the spirit and intent of the regulations and will not cause

-2-

any adverse effect to the surrounding locale. Moreover, the testimony and evidence offered was persuasive that a denial of the variance would cause the Petitioner practical difficulty. The severe slope of the property presents a unique characteristic which justifies a grant of the variance. Moreover, this development appears entirely appropriate and certainly more preferable than the adjacent development on the property immediately to the west. That neighboring lot is developed by the placement of three houses in a line leading from Philadelphia Road. The two rear lots on that tract are served by a panhandle driveway. The preservation of the large rear yard area on the subject property and the placement of the houses on the 3 proposed lots, in my view, constitutes a far better plan and will be an asset to the neighborhood.

A comment is also appropriate as to the Zoning Plans Advisory Committee (ZAC) comments which have been received. Most of the comments are neutral, however, several recommendations were offered by the Office of Planning and Zoning (OPZ). It is to be noted that OPZ is also reviewing this project in connection with the minor subdivision plan.

The first recommendation offered by OPZ is that the building location on lot No. 3 should be moved closer to Philadelphia Road. Mr. Lee explained that the reviewing technician had misread the plan while preparing that comment, erroneously believing the block containing the house number represented the location of the proposed dwelling. As shown on the minor subdivision plan (Petitioners' Exhibit No. 2), the houses are located a uniform distance from Philadelphia Road and their placement is appropriate. The front yard setbacks are indeed consistent.

The second comment recommends that lots 2 and 3 share a driveway. Although there are valid reasons for such a recommendation, I believe that State Highway Administration should make the ultimate decision in this

-3-

regard. Mr. Lee testified that he had been in contact with State Highway Administration and that they had reviewed and approved separate access points. I will not set aside their judgment in this instance, absent their advice to do the same.

The final comment from OPZ suggests landscaping along the eastern boundary of the property. This suggestion seems somewhat unfair to this Developer, who must buffer lot No. 3 for the unattractive in line development next door which is described above. Far more appropriate, in my opinion, would be to require the Petitioner in this case to landscape that area immediately adjacent to the proposed house on lot No. 3. It is to be noted that a large area of lot No. 3 towards the rear will be left undisturbed and will serve as a natural buffer. Thus, I will require the Petitioner to only landscape the area adjacent to the proposed dwelling on lot No. 3.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of February 1995, that a variance from Section 1801.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a 10 ft. tract boundary setback in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

-4-

2. The Petitioners shall submit a landscape plan providing for buffering and screening of the proposed house on lot No. 3. Required landscaping shall not include additional plantings on the rear portion of lot No. 3, shown as the green shaded area on Petitioners' Exhibit No. 2.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 24, 1995

Mr. Paul Lee
304 W. Pennsylvania Avenue
Towson, Maryland 21204

Mr. David S. Seling
Mr. Richard J. Seling
8113 Pinecrest Avenue
Baltimore, Maryland 21237

RE: Case No. 95-249-A
Petition for Variance
Location: S/S Philadelphia Rd., 280 ft. +/-
W of Pine Grove Avenue

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at S/S Philadelphia Road 280' +/-
W of Pine Grove Avenue
which is presently zoned DR-16 & DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2C.1.b of the BCZR to permit a 10' tract boundary setback in lieu of the required 15' (variance of 5')

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

Property is 1.63 acres +/- and is proposed as a 3 lot Minor Subdivision, but due to the existing zoning and the potential density for 6 or more lots, large lot requirements are to be used.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

ZONING ENGINEER

Paul Lee Engineering, Inc.

Paul Lee

304 W. Pennsylvania Avenue

Towson, MD 21204

City

State

Zip

Attorney for Petitioner

(Type or Print Name)

Address

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 107 Date of Posting: 2/4/95
 Posted for: Variances
 Petitioner: David Selig & Richard J. Selig
 Location of property: Sp. Phil Rd., 280' W. Pine Grove Ave.
 Location of Sign: Facing Midway, on Phil Rd. facing south
 Remarks: _____
 Posted by: [Signature] Date of return: 2/4/95
 Number of Signs: 1

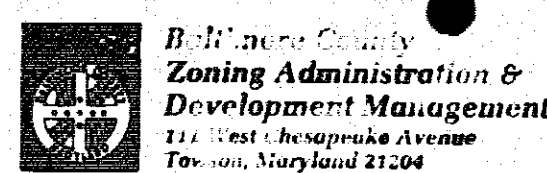
CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb 3, 1995
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 2, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
 Case: #95-249-A (Item 247)
 S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): David S. Selig and Richard J. Selig
 Hearing: Tuesday, February 21, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse
 Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.
 LAWRENCE E. SCHMIDT
 Zoning Commissioner for Baltimore County
 NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
 (2) For information concerning the file and/or hearing, please call 887-3391.
 2/2/95 February 2



Date: 1-19-95

Account: R-001-6150

Number

Item # 247

Towing, MD 21204

Selig, David - 5/5 + Pine Rd. 280'
 W. Pine Grove Ave.

Old - 15 ft. - \$ 50.00

Old - 15 ft. - \$ 35.00

Total - \$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt
95-249-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 247

Petitioner: David & Richard Selig

Location: South side of Philadelphia Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David Selig

ADDRESS: 8113 Pinecroft Avenue

Baltimore MD 21237

PHONE NUMBER: 866-4628

AJ:ggs

(Revised 04/09/93)

TO: PIVOTARY PUBLISHING COMPANY
 February 1, 1995 Issue - Jeffersonian

Please forward billing to:

David Selig
 8113 Pinecroft Avenue
 Baltimore, Maryland 21237
 410-866-4628

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-249-A (Item 247)
 S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): David S. Selig and Richard J. Selig
 HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management



111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

JANUARY 26, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-249-A (Item 247)
 S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): David S. Selig and Richard J. Selig
 HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

[Signature]

Arnold Jablon
 Director

cc: David and Richard Selig, 8113 Pinecroft Avenue, Baltimore MD 21237
 Paul Lee, Inc., 304 W. Pennsylvania Avenue, Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management



111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

February 14, 1995

Paul Lee Engineering, Inc.
 304 W. Pennsylvania Avenue
 Towson, Maryland 21204

RE: Item No.: 247
 Case No.: 95-249-A
 Petitioner: Mr. D. Selig, et ux

Dear Mr. Lee:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]
 W. Carl Richards, Jr.
 Zoning Supervisor

WCR/jw
 Attachment(s)

Printed with Soybean Ink
 on Recycled Paper

**BALTIMORE COUNTY, MARYLAND
 INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
 Zoning Administration and Development Management

FROM: [Signature] Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for February 6, 1995
 Items 237, 244, 247, 248, 249 and 251

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:aw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration &
 Development Management

FROM: Pat Keller, Director
 Office of Planning and Zoning

DATE: February 7, 1995

SUBJECT: Selig Property

INFORMATION:

Item Number: 247
 Petitioner: David S. Selig & Richard J. Selig
 Property Size: 1.63 acres
 Zoning: DR-16 & DR-10
 Requested Action: Variance
 Hearing Date: 2/21/95

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, the staff recommends that the applicant's request be granted subject to the following conditions:

- 1) The building location for lot three should be moved closer to Philadelphia Road to match the setbacks of the buildings on lots one and two since this provides a uniform setback with existing dwellings;
- 2) Lots two and three should share a driveway to reduce curb cuts along Philadelphia Road; and
- 3) Lot three should be heavily landscaped on the east side to minimize the impact of the panhandle driveway on the adjoining parcel.

Prepared by: [Signature]
 Division Chief: [Signature]
 PK/JL:lw

ITEM247/P308E/ESTJWL

Pg. 1

